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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,035	03/17/2004	Brian Dean Edamura	14650	3469
7590	05/12/2005		EXAMINER	
RALPH A. DOWELL DOWELL & DOWELL, P.C. 1215 JEFFERSON DAVIS HWY. SUITE309 ARLINGTON, VA 22202			GORMAN, DARREN W	
			ART UNIT	PAPER NUMBER
			3752	
DATE MAILED: 05/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/802,035	EDAMURA, BRIAN DEAN
	Examiner	Art Unit
	Darren W Gorman	3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 5-8 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## **DETAILED ACTION**

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Reference number “51”, as described on page 4, line 25 of the specification, is not shown in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Examiner’s Notes*

2. With respect to claim 1, the recitation “the trigger has an adjustable at rest position”, is somewhat ambiguous. While the specification describes a “cam” and “cam button” arrangement allowing for optimal positioning of the trigger, the term “adjustable at rest position” is not clearly drawn to this concept. The specification also describes a “trigger lock”, such that when the trigger is engaged with the trigger lock, the trigger remains in a locked position without the

user's hand actively gripping and/or manipulating the trigger. For purposes of this Office Action, the Examiner is reasonably interpreting that the trigger's "at rest" positions are any positions that the trigger is in when a user's hand is not actively gripping and/or manipulating the trigger.

### *Claim Objections*

3. Claims 4-8 are objected to because of the following informalities:

Regarding claim 4, the recitation "whereby squeezing the trigger opens the plunger" is unclear. The Examiner understands that the plunger is used to open and close the conduit responsive to movement of the trigger. The plunger cannot be "opened".

Regarding claim 7, the term "infinite spray head" is unclear. One having ordinary skill in the art would not necessarily understand what an "infinite spray head" is, since this is not a commonly used term in the art. The specification lends no clarity to this issue.

Regarding claim 8, the recitation "the plunger" lacks antecedent basis.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberger, USPN 4,083,497.

Rosenberger shows a trigger operated spray gun (10) comprising: a body (12, 18) having a conduit (24, 26) therethrough being attachable to a hose (connection at 22, hose not shown) whereby the hose is in flow communication with the conduit; a spray head (14) attached to one end of the body in flow communication with the body; and a trigger (20) pivotally attached (at 48) to the other end of the body, the trigger being operably connected to a plunger (34) whereby squeezing the trigger opens fluid flow through the conduit, whereby the trigger has an adjustable at rest position, the "at rest" positions being a non-operative position shown in Figures 1 and 3, and a locked position shown in Figure 2, both positions being maintained without requiring any physical force from a user's hand once in their respective positions.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Grime et al., USPN 5,332,159.

Grime et al. shows a spray gun (10) comprising: a body (11) having a conduit (36, 37) therethrough being attachable to a hose (17) whereby the hose is in flow communication with the conduit; a spray head (30) attached to the body in flow communication with the body; and a trigger (21) pivotally attached to the body, whereby the conduit is opened in response to movement of the trigger and the trigger has an adjustable at rest position, the "at rest" positions being several non-operative positions based on various intended uses (See Figures 1, 7, 8, 11, and 12; and see column 3, lines 9-38; and column 6, line 55 through column 7, line 27).

*Allowable Subject Matter*

7. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
  
8. NOTE: As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Goldney et al., Petersen et al., Sebion et al., Smith, Wang, and Shen, are cited as of interest.
  
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4901. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darren W Gorman  
Examiner  
Art Unit 3752

DWG 5/5/05  
DWG  
May 5, 2005

  
STEVEN J. GANEY  
PRIMARY EXAMINER

5/5/05